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OCT 30 2006

OFFICE OF PETITIONS

In re Application of Hadzicki et al.	:	
Application No. 10/770,094	:	Decision on Petition
Filing Date: January 30, 2004	:	
Attorney Docket No. REV-1/DIV	:	

This is a decision on the petition under 37 CFR 1.137(b), filed July 13, 2006, to revive the above-identified application.

The petition is **DISMISSED**.

Facts:

A *non-final* Office action was mailed June 29, 2005.

The non-final Office action set a shortened statutory period for reply of three (3) months.

Petitioner did not file a reply to the Office action. As a result, the application became abandoned as of midnight on September 30, 2005.

A Notice of Abandonment was mailed March 21, 2006.

Discussion:

A grantable petition under 37 CFR 1.137(b) must be accompanied by the required reply.

The instant petition is accompanied by an appeal brief and \$250 for the filing of the appeal brief. However, Office records fail to indicate a Notice of Appeal has been filed.

Petitioner should submit a Notice of Appeal. In the alternative, petitioner may file an amendment in reply to the non-final rejection.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)."

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
 Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
 Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries regarding this communication should be directed to Petitions Attorney
Steven Brantley at (571) 272-3203.



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